



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FEB 23 2012

Mike Misslin, Acting Chief Engineer
Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, Massachusetts 02114

Re: PCB Risk-Based Disposal Approval under 40 CFR § 761.61(c)
Former Canton Airport
Canton, Massachusetts
MassDEP RTN: 4-30000941

Dear Mr. Misslin:

This is in response to the Notification¹ by the Massachusetts Department of Conservation and Recreation (DCR) for approval of a PCB risk-based disposal plan under § 761.61(c) to address PCB-contaminated soils and sediments at the property known as the Former Canton Airport and located at 705 Neponset Street in Canton, Massachusetts (the Site). Specifically, the Site has PCB-contaminated soils and sediments that exceeds the allowable PCB level for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a).

DCR's proposed a risk-based disposal plan to address the PCB contamination that includes the following major activities:

- Excavate PCB-contaminated soils with greater than (>) 2 parts per million (ppm) located within the former hangar area, but outside the engineered cap, with post-excavation verification sampling;
- Excavate PCB-contaminated sediments with > 0.7 ppm located in the drainage ditches (with the exception of four locations which have PCB concentrations between 0.76 ppm and 4.06 ppm), with post-excavation verification sampling;

¹ Information was submitted by GEI Consultants on behalf of DCR to support a risk-based disposal approach for *PCB remediation waste* under 40 CFR § 761.61(c). Information was provided dated December 12, 2007 (Phase II Comprehensive Site Assessment); July 29, 2008 (Phase III Remedial Action Plan); September 2, 2009 (Class C-2 RAO Statement and Tier 1B Permit Extension); May, 2011 (Risk-Based Cleanup Plan); September 14, 2011 (e-mail park cross sections); November 21, 2011 (Response to EPA Comments); and, November 22, 2011 (Contractor Workplan, Excavated Materials Management Plan, and Earthwork Plan). These submissions will be referred to as the "Notification."

- Consolidate PCB-contaminated excavated soils and sediments to the "soil re-use area" located within the former hangar area, and construction of an engineered cap (e.g., geotextile and 3-feet of clean soil) to create a passive park;
- Construct a parking area located within the former hangar area with a clean fill and pavement cap;
- Replace the temporary Massachusetts Water Resources Authority (MWRA) vehicle access road(s) located within the former hangar area with a permanent road(s); and,
- Implement an activity and use limitation (AUL) pursuant to the Massachusetts Contingency Plan (MCP) that would among other things, identify use restrictions for the property and require maintenance of capped areas, and that would specify long-term monitoring and maintenance requirements.

The information provided meets the notification requirements under § 761.61(c). An ecological risk assessment and human health risk assessment were provided to support the proposed plan. Given the soil removal work that has been completed and the sampling that has been conducted to-date, it appears that the PCB-contaminated soils and sediments have been delineated for purposes of the proposed risk-based disposal plan.

For the consolidation area, DCR is proposing to meet a PCB cleanup standard of 300 ppm with an engineered cap. The proposed consolidation of the > 0.70 ppm but ≤ 300 ppm PCB-contaminated soils and sediments beneath a compliant cap should reduce the overall PCB risk at the Site and also limit the size of required cap. EPA finds that the proposed plan will not create an unreasonable risk of injury to public health or the environment based on the proposed reuse of the Site as a passive recreational area, provided the institutional controls and caps are maintained.

DCR may proceed with its project in accordance with 40 CFR § 761.61(c); its Notification; and, this Approval, subject to the conditions of Attachment 1. This Approval may be revoked, suspended and/or modified as described in Attachment 1, or if the EPA determines that implementation of this Approval may present an unreasonable risk of injury to health or the environment, or if there is a change in the proposed Site use.

Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available to the EPA under Section 6 of TSCA, 15 U.S.C. 2605, 40 CFR Part 761, or other provisions of federal law.

Please be aware that this Approval is contingent upon submittal of implementation work plans (e.g., contractor work plan, excavated materials management plan, etc) that meet the requirements under 40 CFR Part 761 and this Approval. EPA has determined that the Contractor Work plan, the Excavated Materials Management Plan, and the Earthwork Plan submitted on November 22, 2012 were insufficient to support the proposed risk-based disposal plan. On February 15, 2012, EPA provided comments on these plans which should be considered when submitting revised plans. (See Attachment 1, Condition 10).

This Approval does not release DCR from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Massachusetts Department of Environmental Protection (MassDEP) regulations.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall consider this project complete only when it has received documents evidencing construction of the cap(s) and adoption of the deed restriction/activity and use limitations. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

Attachment 1

cc: A. Leifer, GEI
MassDEP RTN: 4-30000941
File

ATTACHMENT 1:

**PCB RISK-BASED DISPOSAL APPROVAL CONDITIONS
FORMER CANTON AIRPORT
705 NEPONSET STREET
CANTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* identified in the Notification² and located at the Site.
 - a. In the event that the Department of Conservation and Recreation (DCR) identifies other PCB-contaminated wastes (PCBs not identified in the Notification) subject to cleanup and disposal under the PCB regulations, DCR will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
 - b. DCR may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 19.
2. DCR shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the activities described in the Notification differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. DCR must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, DCR shall contact EPA within twenty-four (24) hours for direction on sampling and cleanup requirements.

² Information was submitted by GEI Consultants on behalf of DCR to support a risk-based disposal approach for *PCB remediation waste* under 40 CFR § 761.61(c). Information was provided dated December 12, 2007 (Phase II Comprehensive Site Assessment); July 29, 2008 (Phase III Remedial Action Plan); September 2, 2009 (Class C-2 RAO Statement and Tier 1B Permit Extension); May, 2011 (Risk-Based Cleanup Plan); September 14, 2011 (e-mail park cross sections); November 21, 2011 (Response to EPA Comments); and, November 22, 2011 (Contractor Workplan, Excavated Materials Management Plan, and Earthwork Plan). These submissions will be referred to as the "Notification."

6. DCR is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time DCR has or receives information indicating that DCR or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within twenty-four (24) hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by DCR are authorized to conduct the activities set forth in the Notification. DCR is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

NOTIFICATION AND CERTIFICATION CONDITIONS

8. This Approval may be revoked if the EPA does not receive written notification from DCR of its acceptance of the conditions of this Approval within ten (10) business days of receipt.
9. DCR shall notify EPA in writing of the scheduled date of commencement of on-site activities at least three (3) business days prior to conducting any work under this Approval.
10. Prior to initiating onsite work authorized under this Approval, DCR shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a work plan(s) prepared and submitted by the selected contractor, detailing the procedures that will be employed for cleanup and disposal of PCB-contaminated soils. This work plan should also include information on dust monitoring; waste storage, handling, and disposal for each waste stream type; and, for equipment decontamination; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

11. The cleanup level for *PCB remediation waste* (i.e. soil) at the Site shall be less than or equal to (\leq) 300 parts per million for consolidation beneath a compliant cap in accordance with § 761.61(c). For soils located outside the cap area, but inside the former hangar area, the PCB cleanup level shall be ≤ 2 ppm. For sediments located in the drainage ditches, the PCB cleanup level shall be ≤ 0.70 ppm with exception of the sample locations identified in the Notification.
 - a. *Bulk PCB remediation waste* verification samples (i.e., soil and sediment) shall be collected on a bulk basis (e.g., mg/Kg) and in accordance with frequency detailed in the Notification. Samples shall be collected from both excavation bottoms and sidewalls.
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
12. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during the cleanup. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
13. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61, unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6) and § 761.61(a)(5)(v).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

14. DCR shall submit for EPA review and approval, a draft deed restriction for the Site. The draft deed restriction may be in the form of an activity and use limitation (AUL) pursuant to the Massachusetts Department of Environmental Protection (MassDEP) regulations. Within forty-five (45) days of receipt, EPA shall review and approve the draft deed restriction, approve with minimal conditions, or request specific changes. If EPA requests specific changes, DCR shall submit a revised draft deed restriction for EPA review and approval within thirty (30) days of EPA's request.

The deed restriction shall include: a description of the extent and levels of contamination at the property, including both the consolidation/cap area and the areas located outside the consolidation/cap area, and the PCB remedial actions conducted; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site. The long-term monitoring and maintenance plan shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and EPA reporting requirements.

DCR shall submit the results of these long-term monitoring and maintenance activities to EPA as detailed in the deed restriction. Based on its review of the results, EPA may determine that modification to the deed restriction is necessary in order to monitor and/or evaluate the long-term effectiveness of the engineered control (i.e., cap).

15. Within fourteen (14) days of receipt of EPA's approval of the draft deed restriction, the deed restriction shall be signed and recorded. A copy of this Approval shall be attached to the deed restriction, but the specific terms of the deed restriction (and not the Approval) shall govern any issue of interpretation of the deed restriction.
16. DCR, and any subsequent owner, lessee, or transferee seeking the benefit of this Approval, shall notify the EPA of the sale, lease or transfer of any portion of the Site, in writing, no later than thirty (30) days prior to any sale, lease or transfer. This notification shall include the name, address, and telephone number of the new owner(s), lessee(s) or transferee(s). In the event that DCR sells, leases or transfers any portion of the Site, DCR shall continue to be bound by all the terms and conditions of this Approval, except as provided below. EPA may allocate some or all of this Approval's responsibilities to a new owner, lessee or transferee through the issuance of a modification of this Approval ("New Owner Modification") as follows:
- a. DCR and the new owner(s), lessee(s) or transferee(s) must request, in writing, that the EPA issue a New Owner Modification to the new owner(s), lessee(s) or transferee(s) which transfers some or all responsibilities to comply with the terms and conditions of this Approval to that entity or entities;

- b. The EPA reviews the request, and determines whether to issue a New Owner Modification;
 - c. EPA provides a draft New Owner Modification for comment by the requesting party(ies) and, following its receipt and review of any written comments, EPA shall provide the final New Owner Modification to the party(ies); and,
 - d. The new owner(s), lessee or transfer entity provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the final New Owner Modification. The New Owner Modification may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee(s) or transferee(s) of its acceptance of, and intention to comply with, the terms and conditions of the New Owner Modification within thirty (30) days of the date of the New Owner Modification. Under such circumstances, all terms and conditions of this Approval will continue to be binding on DCR.
17. In the event that the sale, lease or transfer of the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the New Owner Modification if it finds, due to the change in use, that this risk-based cleanup and disposal action will not be protective of health or the environment. The New Owner shall record any amendment to the deed restriction, resulting from any approved Site use change(s) or plan modification(s), within sixty (60) days of such change(s). To be effective in amending the original deed restriction as it may apply to DCR, the New Owner must secure the agreement and consent of DCR to amend the deed restriction, and obtain any necessary subordinations of prior recorded interests that may be affected by the terms of the amended deed restriction.
18. In any sale, lease or transfer of the Site, DCR shall retain sufficient access rights to enable it to continue to meet the obligations under this Approval for long-term maintenance and monitoring of the Site, except as provided otherwise in a re-issued approval.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

19. Any modification(s) in the plan, specifications, and information submitted by DCR, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. DCR shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.

If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from DCR to make a determination regarding potential risk.

20. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
21. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
22. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; if EPA finds that there is migration of PCBs from the Site; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. DCR may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.
23. DCR shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by DCR to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

RECORDKEEPING AND REPORTING CONDITIONS

24. DCR shall prepare and maintain all records and documents required by 40 CFR Part 761, including, but not limited to, the records required by Subparts J and K. DCR shall maintain a written record of the cleanup and the analytical sampling for activities conducted under this Approval at the facility. All records shall be made available for inspection by authorized representatives of the EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.

25. DCR shall submit a Final Completion Report (Report) to the EPA within 120 days of completion of the activities described under this Approval. At a minimum, this Report shall include: a discussion of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed off-site; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer, if applicable. The Report shall also include a copy of the recorded deed restriction and a certification signed by a DCR official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
26. As required under Condition 14 of this Approval, DCR shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the deed restriction to be approved by EPA.
27. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912
28. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1